IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL MISC. APPEAL No. 346 of 2005

GORDHANRAM
V/S
MOHANLAL & ORS

Mr. PRADEEP CHOUDHARY, for the appellant / petitioner

Date of Order : 24.3.2005

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the appellant, and perused the impugned Judgment.

The learned Tribunal has dismissed the claim by disbelieving the story as propounded by claimants.

The claim petition was filed alleging therein that on 13.3.2000 at about 7.30 PM, he was going along to road to purchase fodder, near F.C.I. Godown on Suratgarh-Hanamangarh-Padampur bye-pass, at which time, delinquent scooter hit him, as a result of which, he suffered many injuries. As appears from the Judgment, that defendants contested the claim.

The learned Tribunal while deciding issue no.1 found, that according to the claimants, accident occurred on 13.3.2000 only, while the FIR available on record, being Ex.2 shows, that it was lodged on 15.3.2000, which has been recorded as Parcha Bayan of the claimant, and that Parcha Bayan was recorded on the information, being received from the hospital on telephone. It is then found, that according to claimant's statement, he was immediately taken to hospital. Likewise, according to Moda Ram (AW-2) also, he was immediately taken to hospital, but then injury report issued by hospital, is of dated 15.3.2000. Likewise, all other medical papers are of dated 15.3.2000 or later. It has been noticed that, not a single piece of paper has been produced on record, which might even indicate that appellant was taken to hospital on 13.3.2000.

The learned Tribunal has also observed, that there is no

explanation coming forward from the side of claimant that, as to where did he remain from 13.3.2000 to 15.3.2000. Thus it has been found that story propounded by claimant about happening of the accident on 13.3.2000, cannot be believed.

The learned counsel for the appellant was pointedly asked as to what is the nature of injury suffered by claimant, and answer given was that the claimant suffered fractures of Tibia , fabula, left third rib and clavicle. In my view also, it cannot be believed that persons sustaining such injuries & so many fractures, would not be taken to hospital for two days. In these circumstances, learned Tribunal has rightly found that claimant has failed to prove any accident to have occurred on 13.3.2000, as pleaded. It is well nigh position that appellant may have sustained injuries in any other manner, and may have cooked up the story of present accident, which has rightly been disbelieved.

Thus, I am not inclined to interfere with the findings of learned Tribunal. The appeal is, therefore, dismissed summarily.

(N P GUPTA),J.

/Srawat/